

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF ALABAMA  
MIDDLE DIVISION

FILED

99 JUN 16 PM 12:40

U.S. DISTRICT COURT  
N.D. OF ALABAMA

DERRICK J. HAWTHORNE,

Plaintiff,

vs.

CV 99-HGD-0422-M

ENTERED

CN

JUN 16 1999

GOVERNOR DON SIEGELMAN,  
COMMISSIONER MIKE HASS,  
WARDEN JAMES DELOACH,  
WARDEN JONES, LT. HICKS,  
SERGEANT SANDERSON, and  
COMMISSIONER JOE HOPPER,

Defendants.

MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on May 25, 1999, recommending that this action filed pursuant to 42 U.S.C. § 1983 be dismissed for failing to state a claim for which relief can be granted pursuant to 28 U.S.C. § 1915A(b). The plaintiff filed objections to the report and recommendation on June 2, 1999.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation and the objections thereto, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and the recommendation is ACCEPTED. Accordingly, the complaint is due to be dismissed for failing to state a claim upon which relief

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TOTAL P.006


95%

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can be granted pursuant to 28 U.S.C. § 1915A(b). A Final Judgment  
will be entered.

DATED this 16<sup>th</sup> day of June, 1999.

  
C. LYNWOOD SMITH, JR.  
UNITED STATES DISTRICT JUDGE